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EXTRAORDINARY

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PART II—Section I

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th December, 1969/Pausa 5, 1891 (Saka)

The following President's Act is published for general information:—

THE BIHAR HINDU RELIGIOUS TRUSTS (AMENDMENT) ACT, 1969

No. 10 of 1969

Enacted by the President in the Twentieth Year of the Republic of India.

An Act further to amend the Bihar Hindu Religious Trusts Act, 1950.

In exercise of the powers conferred by section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969, the President is pleased to enact as follows:—

1. This Act may be called the Bihar Hindu Religious Trusts (Amendment) Act, 1969. Short title.

2. In section 5 of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the principal Act), in sub-section (2), after the word "established", the words "by the State Government" shall be inserted. Amendment of section 5.

3. In section 80 of the principal Act, in clause (b) of sub-section (1), for the words "eighteen months", the words "thirty months" shall be, and Amendment of section 80.

shall be deemed to have been, substituted with effect from the fifteenth day of May, 1969.

Amend-
ment of
section
31A.

4. In section 81A of the principal Act, in clause (c), for the words "six months", the words "eighteen months" shall be, and shall be deemed to have been, substituted with effect from the twenty-first day of April, 1969.

Savings
and valida-
tion.

5. Notwithstanding the expiration of the Bihar Hindu Religious Trusts (Amendment) Ordinance, 1969 and the Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1969,—

Bihar
Ordinance
No. III of
1969.

(a) anything done or any action taken in exercise of any power conferred by or under the principal Act, as amended by the aforesaid Ordinances, shall be deemed to have been done or taken in exercise of the powers conferred by or under the principal Act, as amended by this Act;

Bihar
Ordinance
No. V of
1969.

(b) any election held under clause (c) of sub-section (2) of section 8 of the principal Act before the commencement of this Act shall be deemed to have been validly held and shall not be called in question merely on the ground that the period fixed therefor had expired at the time of such election.

V. V. GIRI,
President

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

Reasons for the enactment

Clause (b) of sub-section (1) of section 80 of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act 1 of 1951), as amended by the Bihar Hindu Religious Trusts (Second Amendment) Ordinance, 1969 (Bihar Ordinance V of 1969), provided for supersession of the Board for a period not exceeding six months at a time, but in any case not exceeding twenty-four months in all. Clause (d) of section 81 of the said Act provides that before the expiration of the period of supersession, election shall be held and appointment made for the purpose of constituting the Board.

2. The Bihar State Board of Religious Trust was superseded on 12th December, 1967 for a period of six months which was extended from time to time to a total period of twenty-four months as, due to certain administrative difficulties, the election for the purpose of reconstituting the Board could not be completed. The said period of twenty-four months expired on 11th December, 1969. In the meantime, the said Ordinance has also expired. In order to complete the election for the purpose of reconstituting the Board it is proposed to amend the Act to enable supersession of the Board for a total period of thirty months.

3. The constitution of the Third Bihar State Board of Svetamber Jain Religious Trusts was declared illegal by the Patna High Court on 29th August, 1968 under section 81A of the Act. Under clause (c) of section 81A of the Act, as amended by the Bihar Hindu Religious Trusts (Amendment) Ordinance, 1969 (Ordinance No. III of 1969), the Board should have been reconstituted within a period of twelve months from that date, i.e., before 29th August, 1969. But, this also could not be possible within the

said period because of some administrative difficulties. The said Ordinance has also expired. Therefore, in order to reconstitute the Board, it is necessary to amend the said section so as to make it possible to hold the election in this regard, and reconstitute the Board within a period of eighteen months. It is also proposed to validate the election under clause (c) of sub-section (2) of section 8 of the Act which has already been held in furtherance of the reconstitution of the Board under clause (c) of section 81A of the Act.

4. The present measure is intended to achieve these objects.

5. The Committee constituted under the proviso to sub-section (2) of section 3 of the Bihar State Legislature (Delegation of Powers) Act, 1969 (32 of 1969) has been consulted before the enactment of this measure as a President's Act.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India,
Ministry of Law
(Legislative Department).

